

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

CHRISTA BROWN, )  
Plaintiff, )  
v. )  
NANCY A. BERRYHILL, ) Case No. CIV-17-480-Raw-SPS  
Acting Commissioner of Social )  
Security Administration, )  
Defendant. )

**OPINION AND ORDER AWARDING  
ATTORNEY'S FEES TO PLAINTIFF UNDER THE EAJA**

Plaintiff was the prevailing party in this action under the Social Security Act. Plaintiff filed a request for attorney fees under the Equal Access to Justice Act in the amount of \$5,312.90 [Docket No. 19]. The Commissioner does not object to the fee award [Docket No. 20].

Upon review of the record herein, the Court finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that the Plaintiff’s Motion and Brief in Support for an Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 19] is hereby GRANTED and the Government is hereby ordered to pay the above-referenced amount by check made out to Plaintiff but delivered to Plaintiff’s attorney, Casey L. Saunders,

P. O. Box 2318, Ada, OK 74821. IT IS FURTHER ORDERED that if the Plaintiff's attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Plaintiff pursuant *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**DATED** this 26<sup>th</sup> day of November, 2018.



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Ronald A. White  
United State District Judge  
Eastern District of Oklahoma